



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,375	06/18/2001	Scott Bonneau	M-11857 US	1781

33438 7590 02/06/2006
HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

EXAMINER

FISCHEITTI, JOSEPH A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 02/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,375

Applicant(s)

BONNEAU ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 13, 16-20, 23 and 26-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 14, 15, 21, 22, 24 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election without traverse of claims 11, 12, 14, 15, 22, 24, 25 in the reply filed on 11/23/05 is acknowledged.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11, 12, 14, 15, 21, 22, 24, 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 11 and 21 in the paragraphs reciting : "for each leaf node" and "establishing a search rule", it is unclear which node is being referred to when it is recited "each node". Does this mean both ancestors and leaf nodes? Also, in claim 11, is it a method or article claim, e.g. "said methods comprises"?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the

Art Unit: 3627

applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11,12,14,15,21,22,24,25 are rejected under 35 U.S.C. 102(e) as being anticipated by Spiegel et al.

Spiegel et al. disclose apparatus/steps for generating a plurality of custom browse hierarchies unique subsets (categories subcategories of a browse tree) wherein each unique subset contains at least one item from a set of items (book titles), said method comprising: for each leaf node of a primary hierarchy (categorical), wherein the primary hierarchy is at least coextensive with the plurality of custom browse hierarchies(the browse tree), the primary hierarchy comprises leaf nodes (col. 4 line 56) and ancestors of leaf nodes (col. 4 lines 58), each node defines a set of items that meet constraints of each node(sub categories of books), and the constraints of each node comprise one or more attribute names, one or more attribute values, and one or more associated operators (see tables 1 and 2): means/step for establishing a search rule that comprises an aggregation of constraints specified by the leaf node and all ancestor nodes of the leaf node, wherein the constraints of each node in the aggregation of constraints are logically ANDed together (selection of a node causes the children of the node to be displayed col. 4, children of node are logically AND together by definition); and means/step for identifying all of the unique subsets that contain at least one of the items meeting the aggregation of constraints, wherein each subset is associated with at

least one rule (selection of a node causes the children of the node to be displayed col. 4, see also, col. 7 lines 21-24, selection of a link for a featured leaf category cause the list of books falling under that category to be displayed); each rule specifies a set of one or more constraints (when the user selects a leaf category to view a corresponding list of books, the most popular book titles within that category may be displayed col. 7 lines 47-50), and each item that meets the constraints of at least one rule associated with a subset is contained in the subset (col. 4 lines 56-59, The lowest-level nodes (or "leaf-nodes") of the browse tree represent individual book titles, and all other nodes represent categories (including sub-categories) of books. The lowest-level categories (those with no subcategories) are referred to herein as "leaf categories." Each node is preferably displayed to the user as a hyperlink (see FIG. 1A), although other types of user interfaces could be used); and means for creating a custom browse hierarchy for each of the unique subsets (col. 7 lines 41 et seq. elevation preferably occurs only along child-parent paths, so that a node will only be featured in association with its parent nodes.), said means/step for creating further comprising means/step for retaining in the custom browse hierarchy only those leaf nodes, and the ancestor nodes of the leaf nodes, from the primary hierarchy for which the at least one of the unique subset subsets has been identified by said identifying means/step (read as the copying feature discussed at col. 7 line 47).

Re claims 12/22: each of the unique subsets are identified by a different subset ID (see table 2), each of the items (book titles) are stored in a database and each of the

Art Unit: 3627

items comprising each of the unique subsets is stored in an entry of a subset ID table, the entry further containing the subset ID that identifies the unique subset to which the item belongs, said means for identifying further comprising: means for executing a search of the database to identify each of the items in the database that meets the constraints(sites search engine col. 4 line 49); and for each of the items identified by said executing a search, means for performing a table join between the identified item and the subset ID table to return a list of all subset IDs that are stored in an entry of the subset ID table with the identified item contained in the returned list of all subset IDs for the unprocessed leaf node. (col. 7, lines 51 et seq.) When the user selects a leaf category to view a corresponding list of book titles, the most popular book titles within that category may optionally be highlighted (not illustrated), such as by displaying them at the top of the list or in a particular color. Similarly, when the user selects a category that contains only leaf categories, the most popular leaf categories in the list may optionally be highlighted (not shown) in the same or a similar manner.

Re claims 14/24: said means/steps for executing a search further comprises: means for translating the search rule to a database query(Search ENGINE feature col. 4 lines line 49); means for issuing the database query to a database server coupled to the database(inherent to any search query, no request no response); and wherein the database server executes the search and performs the table join in accordance with the database query(When the user selects a leaf category to view a corresponding list of book titles, the most popular book titles within that category may optionally be

Art Unit: 3627

highlighted (not illustrated), such as by displaying them at the top of the list or in a particular color. Similarly, when the user selects a category that contains only leaf categories, the most popular leaf categories in the list may optionally be highlighted (not shown) in the same or a similar manner).

Re claims 15/25: means/step for translating the search rule to a database query is performed by an application program being executed on an application server (part of any search engine is the application program for effecting the search).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

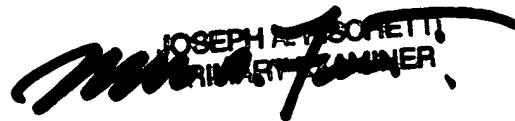
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3627

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.

A handwritten signature in black ink, appearing to read "Joe Fischetti", is written over a rectangular stamp.

JOSEPH A. FISCHETTI
PRIMARY EXAMINER
Joseph A. Fischetti
Primary Examiner
Art Unit 3627